



ATMCI *Air Traffic Management Consulting Inc.*

8/13/2015

Post Hearing Summary

The charges against Air Traffic Management Consulting Inc. (ATMCI) is without merit. ATMCI was charged with refusing to provide the Union with information that it stated was "required for negotiations" and that ATMCI refused to negotiate with the Union. The evidence and actions at the hearing showed just the opposite.

ATMCI agreed to provide the Union with all the information they so desperately needed and yet they refused a settlement that would provide them with all the information they had requested. The Union's complaint was based on ATMCI refusing to provide information and yet when ATMCI agreed to provide the information the Union rejected the offer. Under what law/regulation does it states that if you ask for something and that something is offered, you get to reject it and claim the information was not forthcoming?

If the information was so vital to the Union, this rejection makes no sense. The rejection of the settlement resulted in the Union not getting the information they wanted and extended the time frame months, if not years. Mr. Nickel stated that he was concerned for the employees because it has been over a year and there is no contract to protect them. If he was concerned why did he reject to settlement offer and subject them to possible years of litigation where they would be without a contract?

It is now obvious that those charges are an attempt by the Union to harass, intimidate and coerce ATMCI. The Union had filed the same complaints in Nov. 2014 and withdrew them a few weeks later. Mr. Nickel was clearly upset about the discussion as to the timing of the RM Petition process. Mr. Nickel's response to your honor's statement that it could take 5 years and everyone would be back in the hearing room with no progress having been made was that it would take no more than 2 years and he would "use the full force of the union" to remove ATMCI from the contract. When he was asked if he was threatening ATMCI he reiterated that he would get ATMCI out of the contract and when he was asked how he would do that he stated that he would go through the contracting officer. ATMCI has filed an unfair labor practice in regards to this.

As for the refusal to negotiate charge – the emails from ATMCI to Mr. Nickels clearly show that the issue was when not if negotiations would take place. One email states that due to illness and prior commitments, including being out of the country, ATMCI requested the Union's availability after March 18, 2015, the Union's response was a

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complaint and the other email stated that negotiations would be "suspended" until the issue of what information would need to be provided is adjudicated. Both clearly shows a willingness to negotiate. There was no evidence provided that countered those emails nor showed that ATMCI was not willing to negotiate.

However, the main issue is whether the certification is valid, given the acceptance of the participation in the certification process by active duty military personnel. There has always been a prohibition of active duty personnel joining unions, regardless of how they are labeled. There is documentation that specifically states that position from the Nellis JAG office to the Nellis Personnel office. This prohibition was not considered when active duty personnel were allowed in the certification process. The Union was either aware or should have been aware when they processed the petition. Had this issue been adjudicated at the time of the election we would not be here. Regardless, neither the Union nor the NLRB attorney provided any documentation that states that active duty personnel are eligible to join unions - civilian or "military" and any ruling to the contrary would establish a precedence that could force the armed forces to reconsider their ban on joining unions, which is not realistic, or revoke the ability of active duty personnel to work part time.

Sincerely;

Wayne MacKenzie
President ATMCI

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